Remarks/Arguments

These remarks and the above amendments are responsive to the Office Action dated October 8, 2003. Claims 7-25 are in the case. Claims 7, 17, 18, are independent.

Drawings:

In the October 8, 2003 Office Action, the Examiner pointed out that the Draftsperson did not approve the drawings filed on 5/23/2001 and required formal drawings in response.

While applicant disagrees with the Draftsman's assertion that the left side margins of figures 4 and 5 were not in compliance with 37 C.F.R. 1.84(g), applicant has resubmitted new drawings with the margins clearly marked as being within the required guidelines. Regarding figures 1 and 2, applicant has submitted new sheets of drawings with the fonts enlarged.

Applicant respectfully requests approval of the drawings.

35 U.S.C. §112 Rejections:

In the October 8, 2003 Office Action, the Examiner rejected Claims 13 and 16 under 35 U.S.C. §112 for failing to comply with the written description requirement. According to the Examiner

> Undue experimentation and ingenuity would be required beyond one ordinarily skilled in the art to practice: "creating a row of the relational database that includes the identifier, the sequence identifier for the node" in claims 13 and 16. Undue experimentation would be needed to create a data row without making an increment to the sequence identifier.

Applicant respectfully disagrees with the Examiner. Claims 13 and 16 both ultimately depend from Claim 7. Claim 7 includes, *inter alia*, " assigning a respective

sequence identifier to each node of the XML document." The method of such assignment need not be limited to incrementing the sequence identifier as the Examiner appears to be suggesting. It may be possible that the list is decremented instead of incremented, or that the sequence identifier is based upon some formula that one of ordinary skill creates. Regardless, the method of assigning the sequence identifier would not require undue experimentation as the Examiner suggests; especially since the specification discusses the incrementing that the Examiner asserts is not disclosed (See Fig.2 and See pg. 14, para. 4.2.1 as examples.

In addition to the above, the Examiner has not provided any evidence other than the conclusory statement that "undue experimentation would be needed." The M.P.E.P. §2163.04 clearly states that:

> [a] description as filed is presumed to be adequate, unless or until sufficient evidence or reasoning to the contrary has been presented by the examiner to rebut the presumption. (Cite omitted). . . The examiner has the initial burden of presenting by a preponderance of evidence why a person skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims. (cite omitted).

Since the Examiner has not shown by a preponderance of evidence why one skilled in the art would not recognize a description of the invention defined by the claims the Examiner has not met his burden. For the foregoing reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of claims 13 and 16, which are based upon 35 U.S.C. §112.

35 U.S.C. §102:

In the October 8, 2003 Office Action, the Examiner rejected Claims 7-8, 17-18 and 21-23 under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No.

2002/0116371A1 ("Dodds"). According to the Examiner, Dodds discloses every feature of these Claims. Applicant respectfully disagrees with the Examiner.

Claims 7 , 17 and 18 are independent claims. Each of these claims includes assigning a unique document identifier to the document (Claim 7 "assigning an identifier to every node of the XML document"; Claim 17 "assigning an identifier to the XML document"; Claim 18 "wherein the row includes an XML document identifier.") According to the Examiner, the OrderPath disclosed in Dodds provides this feature. Applicant respectfully disagrees and points out to the Examiner that the OrderPath does not assign a document number. Instead, the OrderPath simply "denotes the breadth-wise enumerated order of the node on the path from the root to the node of interest." (para. [0037], lns. 3-6). Accordingly, the top node (i.e. library) will always be a 1 in every document because that is the enumerated order of that node. This is not the same as assigning a document identifier, which identifies a particular document against another document. As stated in the specification, "ID: This is the id associated with the XML document instance. All of the rows of data that correspond to a particular document instance will have the same id. This would imply that, in addition to the table above, there may also be a "master document" table containing one row per document which would contain information pertaining to the document as a whole. Such a table would be considered a parent table to the table above." (pg. 11, lns. 16-22.) The OrderPath disclosed in Dodds does not provide any such implication.

Since Dodds fails to disclose every element of Claims 7, 17 and 18 it does not anticipate these claims and Applicant respectfully requests the Examiner to reconsider and withdraw his rejection of Claims 7, 17 and 18.

Claims 8, and 21-23 depend from one of Claims 7, 17 and 18 and are thus novel over the cited art for at least the same reasons discussed above. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw his rejections of these claims as well.

In addition to the above, Claim 7 includes "assigning a respective sequence identifier to each node of the XML document; wherein said respective sequence identifiers identify an order of the nodes in the XML document." The Examiner asserts that the OrderPath disclosed in Dodds also performs this function. Applicant again points out that the OrderPath disclosed in Dodds denotes the "breadth-wise enumerated order of the node on the path from the root to the node of interest." (para. [0037], lns. 3-6). It does not disclose the order of the nodes in the XML document as claimed. Accordingly, for this reason as well, Claim 7 and any claim dependent thereon is not anticipated by Dodds.

35 U.S.C. §103:

The Examiner rejected Claims 9-16, 19-20 and 24-25 under 35 U.S.C. §103(a) as being unpatentable over Dodds as applied to claims 7-8, 17-18 and 21-23 and further in view of U.S. Publication No. 2002/0123993A1 to Chau et al. ("Chau"). Claims 9-16, 19-20 and 24-25 each depend from one of Claims 7, 17 and 18.

According to the Examiner, Dodds teaches every element of Claims 9-16, 19-20 and 24-25 except "decomposing the node or element specifically into subfields in terms of type, attribute, comment, pcdata, text, cdata, target, instruction, comment and further mapping each of the decomposed subfields as column values of the data row to be inserted into the database table." However, according to the Examiner Chau teaches the

missing elements. Applicant will not address the Chau reference at this time, other than to state that it too does not disclose the assigned document identifier or the sequence identifier.

As discussed above with regard to the 102 rejections, Dodds does not disclose the document identifier or the sequence identifier. The citation to Chau fails to cure the defects of Dodds. Since nether Dodds, Chau nor the combination thereof teaches or suggests the presently claimed invention, Claims 9-16, 19-20 and 24-25 are novel over the combination of Dodds and Chau. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw his rejections of these claims.

The cited patents made of record but not relied upon are hereby acknowledged, but are not deemed to detract from the patentability of the claims.

No new matter has been added.

This response attends to each point noted by the Examiner. The claims are proper and allowance is respectfully requested. However, should the Examiner deem that further clarification of the record is in order, we invite a telephone call to the Patent Owner's Attorney to expedite further processing of the claims to confirmation.

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Respectfully submitted,

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APPENDIX

FIG. 2. – XML Data Table With Sample Data.

ID	SEQ	ANCESTORS	IMMEDIATE_PARENT	DATA_NAME	DATA_TYPE	VALUE	EMPTY
1	1	customer	prolog	XML	PI	version="1.0"	0
1	2	customer	prolog	MyPI	PI	some PI data	0
1	3	customer	customer	type	attr	preferred	0
1	4	customer/name[1]	name	pcdata[1]	text	John Smith	0
1	5	customer/gender[1]	gender	pcdata[1]	text	male	0
1	6	customer/phone[1]	phone	type	attr	home	0
1	7	customer/phone[1]	phone	pcdata[1]	text	516.555.1234	0
1	8	customer/phone[2]	phone	type	attr	office	0
1	9	customer/phone[2]	phone	pcdata[1]	text	212.555.1234	0
1	10	customer/hobby[1]	hobby	name	attr	skiing	1
1	11	customer	epilog		comment	This is the end of the document	0

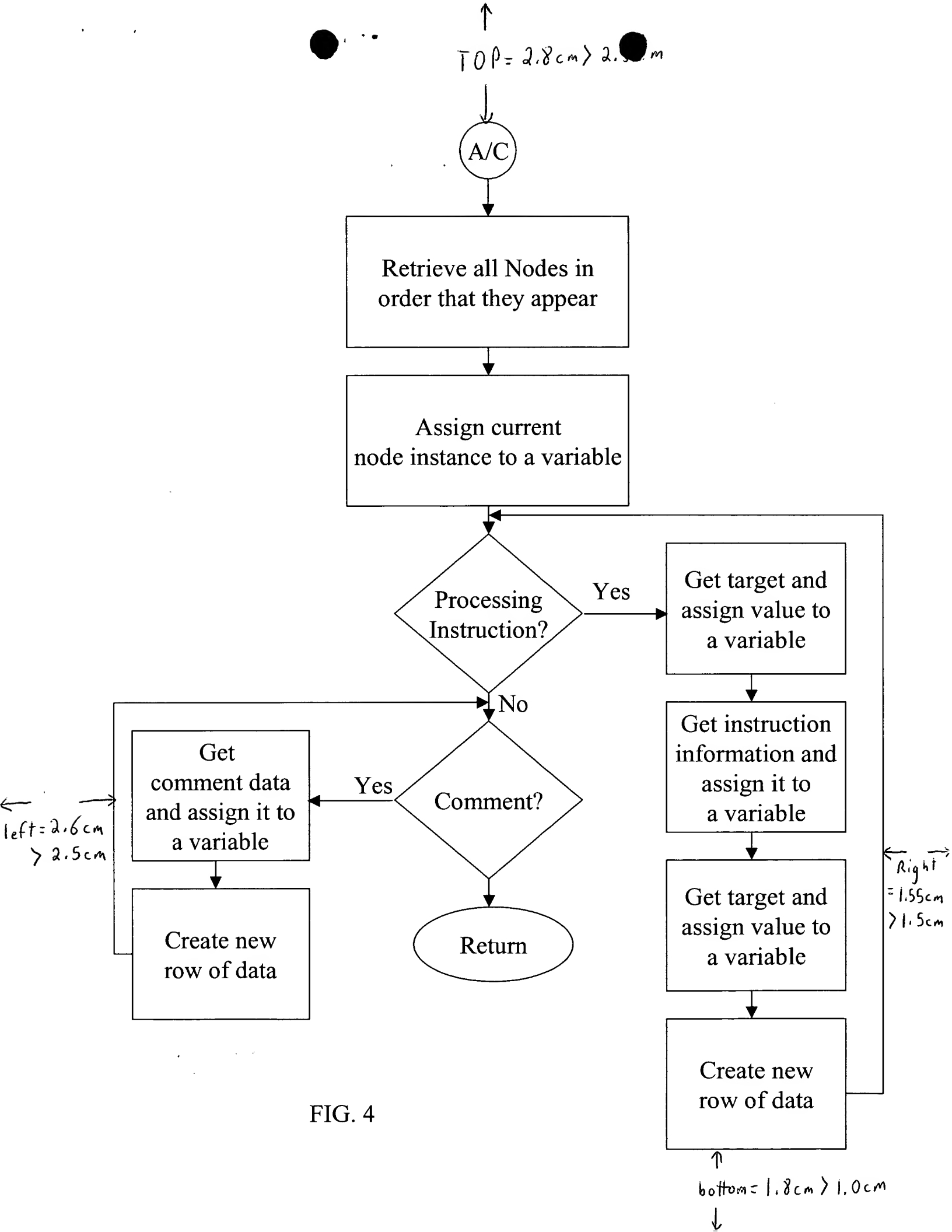
TOP = 2.8cm > 2.5cm
A/C
Retrieve all Nodes in order that they appear
Assign current node instance to a variable
Processing Instruction?
Yes
Get target and assign value to a variable
No
Get instruction information and assign it to a variable
Comment?
Yes
Get comment data and assign it to a variable
left = 2.6cm > 2.5cm
Create new row of data
Return
Get target and assign value to a variable
Right = 1.55cm > 1.5cm
Create new row of data
bottom = 1.8cm > 1.0cm

FIG. 4

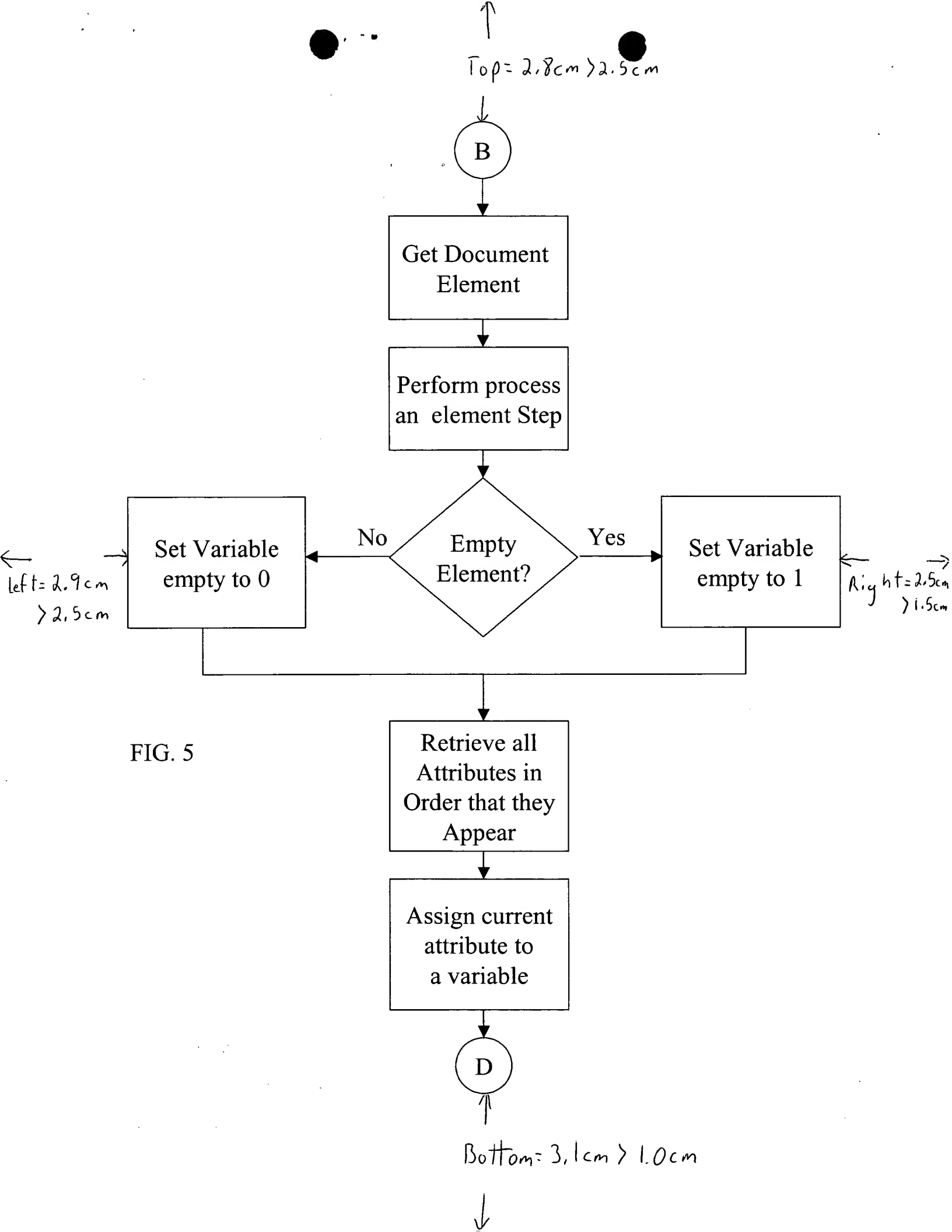
Top= 2.8cm > 2.5cm
B
Get Document Element
Perform process an element Step
Empty Element?
No
Yes
Set Variable empty to 0
Set Variable empty to 1
Left= 2.9cm > 2.5cm
Right= 2.5cm > 1.5cm
Retrieve all Attributes in Order that they Appear
Assign current attribute to a variable
D
Bottom= 3.1cm > 1.0cm

FIG. 5